



## Declaration & Power of Attorney For Utility Patent Application

**COPY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one inventor is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled New Applications of Gene Therapy Technology, the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as United States Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 of the Code of Federal Regulations.

I hereby claim foreign priority benefits under Title 35, USC 119 (a) - (d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application for patent or inventor's certificate or any PCT International patent application having a filing date before that of the application on which priority is claimed:

### Prior Foreign Application(s)

| <u>Patent App. Number</u> | <u>Country</u> | <u>Foreign Filing Date</u> | <u>Priority Not Claimed</u> | <u>Certified Copy Attached</u>                           |
|---------------------------|----------------|----------------------------|-----------------------------|--|
| PCT US98/04525            | PCT            | March 7, 1997              | <input type="checkbox"/>    | <input type="checkbox"/> yes <input type="checkbox"/> no |

I hereby claim the benefit under Title 35, USC 119(e) of any United States provisional application(s) listed below

| <u>Application Number</u> | <u>Filing Date</u> | <u>Status</u> |
|---------------------------|--------------------|---------------|
| 60/013,014                | March 7, 1996      | Expired       |

I hereby claim the benefit under Title 35, USC 120 of any United States application(s) or §365 (c) of any PCT International application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, USC 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| <u>US Appln. Ser. No.</u> | <u>Filing Date</u> | <u>Status</u> |
|---------------------------|--------------------|---------------|
| 08/400,643                | March 7, 1995      | Abandoned     |
| 08/813,771                | March 7, 1997      | Pending       |

**COPY**

As a named inventor, I hereby appoint the following registered patent attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David L. Berstein, Registration No. 31,235

Direct all correspondence to the address below:

David L. Berstein, Registration No. 31,235  
ARIAD Pharmaceuticals, Inc.  
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Cambridge, Massachusetts 02139-4234  
Telephone: 617-494-0400 Ext. 266 / Facsimile: 617-494-0208

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Michael Z. Gilman  
Inventor's signature Michael Z. Gilman First Name and Middle Name (if any) Family or Surname Date 2/10/88

Residence 550 Chestnut Street, Newton, Massachusetts 02168, USA  
Post Office Address Same  
Citizenship Canada

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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERNDocket Number (Optional)  
ARIAD 340D

pplicant or Patentee: Michael Z. Gilman  
 Serial or Patent No.: Unknown  
 Led or Issued: Herewith  
 Title: NEW APPLICATIONS OF GENE THERAPY TECHNOLOGY

I hereby declare that I am  
 the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN ARIAD Gene Therapeutics, Inc  
 ADDRESS OF SMALL BUSINESS CONCERN 26 Landsdowne Street, Cambridge, MA 02139-4234



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I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and produced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average of the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

no such person, concern or organization exists.  
 each such person, concern or organization is listed below.

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Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as small entity is no longer appropriate. (37 CFR 128(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David L. Berstein

TITLE OF PERSON IF OTHER THAN OWNER Vice President - Chief Patent Counsel

ADDRESS OF PERSON SIGNING 26 Landsdowne Street, Cambridge, MA 02139-4234

SIGNATURE David L. Berstein DATE September 10, 1998



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In re the application of: Michael Z. Gilman  
Serial No.: 09/151,001  
Filed: September 10, 1998  
For: *New Applications of Gene Therapy Technology*

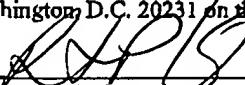
Examiner: Sandals, W.  
Group Art Unit: 1636  
Attorney Docket No.: 340-D

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

November 22, 2000  
Date of Signature and of Mail Deposit

By: 

Robert King

**ASSOCIATE POWER OF ATTORNEY 37 C.F.R. §1.34**

Sir:

Please recognize:

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as associate agents and attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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Respectfully submitted,

Dated: 11/13/00

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**COPY**